

Dear FCC Chairman,

I am a U.S. citizen, voter, and consumer, and I oppose the proposed 'Broadcast Flag' for DTV broadcasts for the following reasons:

1) There is no legal or technical reason to make an artificial distinction between digital and analog broadcasts. Digital broadcasts are already protected by the same copyright laws as analog broadcasts, and no one has shown that digital content is any more likely to be illegally copied than analog content.

2) The proposed Broadcast Flag would restrict my rights to use the digitally broadcast content in fashions that have been upheld by the U.S. Supreme Court. The courts have held that consumers have the right to time shift (record for later viewing), space shift (copy onto other media for mobility or convenience), and excerpt legally acquired content at their discretion. Any Digital Restrictions Management (DRM) scheme, such as the Broadcast Flag in question, would restrict those rights in ways that cannot take into account the intentions of the consumer. A machine cannot mandate or control the morality of its operator.

3) The Content Industry has a long history of 'crying wolf' every time a new medium or distribution method is invented. Jack Valenti, president of the MPAA, testified to Congress that the VCR would be to the Content Industry what the Boston Strangler was to a woman alone at night. Luckily, the Supreme Court stepped in, and Hollywood now makes more money from video sales of its movies than it does from their theatrical releases. On the other hand, when policy makers were unable to resist the siren call of digital restrictions, a promising new technology called Digital Audio Tape (DAT) was suffocated at birth back in the early '90s. DAT was intended to replace the old analog audio cassette with compact 4mm digital tapes, but it never got off the ground due to limitations built in at the insistence of the RIAA. Consumers had to wait an additional 10 years, for the birth of affordable PC's and recordable CDs, before they could exercise their right to time- and space-shift their! digital audio in a high fidelity format.

4) A Broadcast Flag mandate would criminalize the creation of home-built receivers and tuners by amateur enthusiasts and hobbyists. The FCC has historically encouraged these hobbyists in the form of Ham Radio operators, and the Personal Computer is enabling the creation of an entire new generation of hobbyists through the use of TV tuner cards, etc. The proposed Broadcast Flag would destroy that ability.

5) The Content Industry has been running rampant through Washington D.C., and are able to afford to pay for many lobbyists and lawyers to get their way. The U.S. consumer has very little ability to have a say in this process, and our rights are being whittled down and eroded continuously by the simple fact that policy makers are only hearing one side of the story, that of the Content Industry. It is the job of our Government to oppose those forces that would limit our rights, and to do what is best for the U.S. citizen, regardless of the consequences of any particular special interest group.

6) The Consumer Electronics industry would be hurt by the mandate of a Broadcast Flag that prevents the digital copying of digitally broadcast content. Every artificial restriction imposed on hardware is by definition a limitation of what a consumer can do with that hardware. And every such limitation is another reason not to purchase said electronic goods, thus reducing sales and possibly destroying the entire market for that device, as we saw with DAT tape devices.

7) The Consumer Electronics industry in America is ten times larger than the entire combined Content Industry. We have a severe case of the tail wagging the dog here, and a powerful minority is having a disproportionate effect on our laws and technologies. We should keep a sense of proportion and do what is best for the majority of the industry and for our citizens. Drop the Broadcast Flag.

8) If I were to spend thousands of dollars to buy a widescreen HDTV, a digital tuner, an expensive external antenna, and a six channel surround sound audio system so that I could receive the full benefit of digital broadcasts, then I would also insist on the ability record that broadcast in its original format. Otherwise, were I to try to time-shift that broadcast as is my right, all that expensive hardware would be wasted. The only way I could record it under the Broadcast Flag regime would be to pipe it to an analog VCR, and my entire reason for spending all that money on expensive digital equipment goes out the window, as I watch an analog, low resolution, two channel stereo version of that content. Do you really think that the wives of America are going to let their men spend a ton of money on these gadgets if they can't even record a show and then watch it later in the way it was meant to be seen? I don't.

In summary, the proposed Broadcast Flag would continue to propagate the artificial distinction between analog and digital content, infringe on consumers' rights, damage the much larger Consumer Electronics industry, eliminate incentives to purchase expensive hardware, and in short hurt just about everyone except for a few very large content producers in Hollywood and Florida.

Please do not approve the Broadcast Flag proposal.

Thank you.